



IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARGARITO AVILA DE LA
ROCHA,

Defendant.

Case No. CR16-861M
ORDER OF DETENTION

I.

The Court conducted a detention hearing:

On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety or any person or the
2 community [18 U.S.C. § 3142(e)(2)].

3 II.

4 The Court finds that no condition or combination of conditions will
5 reasonably assure: the appearance of the defendant as required.

6 the safety of any person or the community.

7 III.

8 The Court has considered: (a) the nature and circumstances of the offense(s)
9 charged, including whether the offense is a crime of violence, a Federal crime of
10 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
11 or destructive device; (b) the weight of evidence against the defendant; (c) the
12 history and characteristics of the defendant; and (d) the nature and seriousness of
13 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
14 considered the report and recommendation of the U.S. Pretrial Services Agency.

15 IV.

16 The Court bases its conclusions on the following:

17 As to risk of non-appearance:

18 Lack of bail resources
19 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
20 Undocumented
21 Family ties to Mexico

As to danger to the community:

- Allegations in present charging document
- Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

V.

- The Court finds a serious risk that the defendant will
 - obstruct or attempt to obstruct justice.
 - threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

VI.

The Court is particularly troubled by the allegations in the Criminal Complaint that defendant was accompanied by his 15-year old son to the location where he allegedly sold methamphetamine to an undercover agent and the son's alleged participation in the transaction. In addition to the factors noted above, the Court finds that defendant's release will pose a danger to his minor child.

IT IS THEREFORE ORDERED that the defendant be detained until trial.

The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

/s/

ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE